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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ARTHUR LEE GARRISON,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS DIRECTOR, *et al.*,

Defendants.

Case No. 3:17-cv-00391-MMD-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*, addendums to his complaint, and two motions for appointment of counsel. (ECF Nos. 1, 1-1, 1-15, 3, 4, 5, 6). Plaintiff’s second motion for appointment of counsel also requests an appointment of a guardian ad litem pursuant to Federal Rule of Civil Procedure 17(c)(2). (ECF No. 6 at 4).

As an initial matter, the Court dismisses Plaintiff’s complaint and addendums, without prejudice. Plaintiff’s complaint is 415 pages long. (See ECF Nos. 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14). Throughout the 415-page complaint, Plaintiff intersperses his allegations with numerous exhibits. (See *id.*) Plaintiff also seeks to add more pages to his complaint through multiple addendums. (ECF Nos. 3, 4, 5). Plaintiff’s complaint, as drafted, fails to comply with the Federal Rules of Civil

1 Procedure and is unintelligible for screening purposes.¹ Although the Court grants
2 Plaintiff leave to file an amended complaint in accordance with the Federal Rules of Civil
3 Procedure, the Court defers an amendment until after the Court evaluates Plaintiff's
4 competency under Federal Rule of Civil Procedure 17(c)(2).

5 Under Rule 17(c), "[t]he court must appoint a guardian ad litem—or issue another
6 appropriate order—to protect a minor or incompetent person who is unrepresented in an
7 action." Fed. R. Civ. P. 17(c)(2).

8 Plaintiff's second motion for appointment of counsel states that he has serious
9 mental health issues that prevent him from articulating his claims such that a guardian ad
10 litem should be appointed. (ECF No. 6 at 4.) Plaintiff's complaint and addenda also
11 generally reference alleged mental health issues.

12 Plaintiff has not set forth specific facts or circumstances that would lead the court
13 to believe he is incompetent and unable to represent his interests in this litigation at this
14 juncture, but the court will nevertheless set a preliminary telephonic status conference to
15 address whether there is a substantial question regarding Plaintiff's competence.

16 In advance of the hearing, Plaintiff shall file any documentation he has to support
17 his claim of incompetence. The court will also order the Attorney General's Office to enter
18 a limited notice of appearance for the telephonic status conference addressing Plaintiff's
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20 ¹ Pursuant to Federal Rule of Civil Procedure 8, Plaintiff's complaint must contain "a
21 *short and plain* statement of the claim showing that [Plaintiff] is entitled to relief."
22 Fed. R. Civ. P. 8(a)(2) (emphasis added). "Each allegation must be simple, concise, and
23 direct." Fed. R. Civ. P. 8(d)(1). "A party must state its claims or defenses in numbered
24 paragraphs, each limited as far as practicable to a single set of circumstances."
25 Fed. R. Civ. P. 10(b). "[E]ach claim founded on a separate transaction or occurrence . .
26 . must be stated in a separate count." *Id.* A 415-page complaint is not "short and plain."

27 Additionally, a basic lawsuit is a single claim against a single defendant. Federal
28 Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit when
those claims are against the same defendant. Federal Rule of Civil Procedure 20(a)
allows a plaintiff to add multiple parties to a lawsuit where the right to relief arises out of
the "same transaction, occurrence, or series of transactions or occurrences." Fed. R. Civ.
P. 20(a)(2)(A). "However, unrelated claims that involve different defendants must be
brought in separate lawsuits." *Bryant v. Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL
5923108, at *2 (E.D. Cal. Nov. 1, 2013) (citing *George v. Smith*, 507 F.3d 605, 607 (7th
Cir. 2007)).

1 competence, and will require the Attorney General's Office to file under seal any mental
2 health records, medical or other records that are relevant to Plaintiff's mental health or
3 competence.

4 **II. CONCLUSION**

5 For the foregoing reasons, **IT IS ORDERED** that a decision on the application to
6 proceed *in forma pauperis* (ECF No. 1) is deferred.

7 **IT IS FURTHER ORDERED** that the complaint and addendums (ECF Nos. 1-1, 1-
8 2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 3, 4, 5) are dismissed
9 without prejudice.

10 **IT IS FURTHER ORDERED** that leave to file an amended complaint is deferred
11 until after Plaintiff's competency is evaluated.

12 **IT IS FURTHER ORDERED** that the motions for appointment of counsel/guardian
13 ad litem (ECF Nos. 1-15, 6) are deferred.

14 The court will issue a separate order setting a preliminary telephonic status
15 conference to address whether there is a substantial question regarding Plaintiff's mental
16 competence. In advance of the hearing, Plaintiff shall file any documentation he has to
17 support his claim of incompetence.


18 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve a
19 copy of this Order on the Office of the Attorney General of the State of Nevada, by adding
20 the Attorney General of the State of Nevada to the docket sheet. This does not indicate
21 acceptance of service.

22 Within **twenty-one (21) days** of the date of this Order, the Attorney General's
23 Office shall enter a limited notice of appearance for the telephonic status conference
24 addressing Plaintiff's competence. No defenses or objections, including lack of service,
25 shall be waived as a result of filing the limited notice of appearance.
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1 In advance of the hearing, the Attorney General's Office shall file under seal any
2 mental health records, medical or other records that are relevant to Plaintiff's mental
3 health or competence.

4 **IT IS SO ORDERED.**

5 DATED: June 12, 2018.

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7 UNITED STATES MAGISTRATE JUDGE
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